

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Russell A. Brantley,)	
)	C/A No. 4:17-0814-MBS-TER
Plaintiff,)	
)	
vs.)	
)	OPINION AND ORDER
Aiken County Detention Center,)	
Southern Health Partners, James Staten,)	
Lt. Hettich, Captain Galloway,)	
)	
Defendants.)	
_____)	

Plaintiff Russell A. Brantley is an inmate housed at the Aiken County Detention Center (ACDC) in Aiken, South Carolina. Plaintiff proceeding pro se and in forma pauperis, filed a complaint on March 27, 2017, alleging that he fell out of a top bunk, injured his collarbone, and requires surgery. Plaintiff asserts that he was denied medical care in violation of his rights under the Eighth Amendment. Plaintiff brings this action pursuant to 42 U.S.C. § 1983, seeking surgery, physical therapy, and monetary damages.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915, 1915A, the Prison Litigation Reform Act of 1996, and relevant precedents. On May 8, 2017, the Magistrate Judge issued a Report and Recommendation in which he determined that Defendants ACDC and Southern Health Partners are not “persons” acting under color of state law subject to suit under § 1983. Accordingly, the Magistrate Judge recommended that these Defendants be summarily dismissed without issuance and service of process. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation and incorporates it herein by reference. Plaintiff’s complaint is summarily dismissed without prejudice and without issuance and service of process as to Defendants ACDC and Southern Health Partners only. The case is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

June 13, 2017